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9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No.

12 **MICKI TWISS, AKA**
13 **MICKI CARLA TWISS**
2630 Heather Lane, #A
14 Redding, California 96002

A C C U S A T I O N

15 Vocational Nurse License No. VN 148717,

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this
21 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
22 Nursing and Psychiatric Technicians ("Bureau"), Department of Consumer Affairs.

23 2. On or about July 24, 1990, the Bureau issued Vocational Nurse License
24 Number VN 148717 to Micki Twiss, also known as Micki Carla Twiss ("Respondent"). The
25 vocational nurse license will expire on October 31, 2009, unless renewed.

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STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(e) Making or giving any false statement or information in connection with the application for issuance of a license.

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.

6. Section 2878.5 of the Code states in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of

1 this section, in which event the record of the conviction is conclusive evidence
2 thereof.

3 7. Code section 4060 provides, in pertinent part,

4 No person shall possess any controlled substance, except that furnished to
5 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
6 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
7 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
8 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant
9 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
10 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)
11 of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

12 COST RECOVERY

13 8. Code section 125.3 provides, in pertinent part, that the Board may request
14 the administrative law judge to direct a licensee found to have committed a violation or
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
16 and enforcement of the case.

17 9. DRUG

18 "Methamphetamine" is a Schedule II controlled substance as designated by
19 Health and Safety Code section 11055, subdivision (d)(2).

20 FIRST CAUSE FOR DISCIPLINE

21 (Criminal Convictions)

22 10. Respondent's vocational nurse license is subject to discipline under Code
23 section 2878, subdivision (f), in that Respondent has been convicted of crimes that are
24 substantially related to the qualifications, functions, and duties of a licensed vocational nurse, as
25 follows:

26 a. On January 11, 2006, in the Superior Court, County of Yolo, in the case
27 entitled *People of the State of California v. Micki Carla Twiss* (Super. Ct., Yolo Co., 2006, Case
28 No. 0002948-002), Respondent was convicted by the Court on her plea of *nolo contendere* of
violating Penal Code section 273, subdivision (a) (child endangerment), and Health and Safety
Code section 11379, subdivision (a) (transportation of methamphetamine), both felonies.

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1 b. On November 1, 2005, in the Superior Court, County of Shasta, in the
2 case entitled *People of the State of California v. Micki Carla Twiss* (Super. Ct., Shasta Co., 2005,
3 Case No. 05F211), Respondent was convicted by the Court on her plea of guilty of violating
4 Penal Code section 476a, subdivision (a) (issuance of a check against insufficient funds), a
5 felony.

6 c. On November 1, 2005, in the Superior Court, County of Shasta, in the
7 case entitled *People of the State of California v. Micki Carla Twiss* (Super. Ct., Shasta Co., 2005,
8 Case No. 04F8016), Respondent was convicted by the Court on her plea of guilty of violating
9 Penal Code section 459 (second degree commercial burglary), a felony.

10 d. On October 20, 1994, in the Superior Court, County of Sacramento, in the
11 case entitled *People of the State of California v. Micki Carla Twiss* (Super. Ct., Sacramento Cty.,
12 1994, Case No. 94F07589), Respondent was convicted by the Court on her plea of *nolo*
13 *contendere* of violating Penal Code section 475, subdivision (a) (forgery with intent to defraud),
14 and Health and Safety Code section 11377, subdivision (a) (possession of methamphetamine, a
15 controlled substance), both misdemeanors.

16 e. On February 3, 1994, in the Superior Court, County of Sacramento, in the
17 case entitled *People of the State of California v. Micki Carla Twiss* (Super. Ct., Sacramento Cty.,
18 1994, Case No. 94F00609), Respondent was convicted by the Court on her plea of guilty of
19 violating Penal Code section 484, subdivision (f)(2) (credit card forgery), a felony.

20 **SECOND CAUSE FOR DISCIPLINE**

21 (Conviction of a Crime Involving a Controlled Substance)

22 11. Respondent's vocational nurse license is subject to discipline under Code
23 section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code
24 section 2878.5, subdivision (c), in that Respondent was convicted of crimes involving a
25 controlled substance, as more particularly set forth in paragraph 10, subparagraphs a and d,
26 above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 (Possess Controlled Substance in Violation of Law)

3 12. Respondent's vocational nurse license is subject to disciplinary action
4 under Code section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined
5 in Code section 2878.5, subdivision (a), in that on or about September 8, 1994, Respondent
6 possessed methamphetamine, a controlled substance, in violation of Code section 4060, as more
7 particularly set forth in paragraph 10, subparagraph d, above.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 (False Statement in Connection with License Application)

10 13. Respondent's vocational nurse license is subject to discipline under Code
11 section 2878, subdivision (e), in that Respondent did the following:

12 a. On or about August 20, 2007, Respondent answered "No" on the
13 Continuing Education & Conviction Information section of the Renewal Application Licensed
14 Vocational Nurse form, which asked if she had been convicted of or pled *nolo contendere* to any
15 violation since she last renewed her license. In fact, on January 11, 2006, Respondent was
16 convicted by the Court on her plea of *nolo contendere* of violating Penal Code section 273,
17 subdivision (a) and Health and Safety Code section 11379, subdivision (a), as more fully set
18 forth in paragraph 10, subparagraph a, above.

19 b. On or about January 9, 2006, in response to Question No. 11 of the
20 Application for Renewal of License, which asked if Respondent had been convicted of or pled
21 *nolo contendere* to any violation since she last renewed her license, she answered that she wrote
22 a bad check. In fact, in addition to Respondent's November 1, 2005, felony conviction of
23 violating Penal Code 476a, subdivision (a), for the issuance of a check against insufficient funds,
24 as set forth in paragraph 10, subparagraph (b), above, Respondent was convicted on
25 November 1, 2005, of violating Penal Code section 459 (second degree commercial burglary), as
26 more fully set forth in paragraph 10, subparagraph (c), above.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 (Commission of a Dishonest Act)

3 14. Respondent's vocational nurse license is subject to discipline under Code
4 section 2878, subdivision (j), in that Respondent committed acts constituting dishonesty, as more
5 particularly set forth in paragraph 10, subparagraphs b, c, d, and e, and paragraph 13,
6 subparagraphs a, and b, above, and as follows:.

7 a. On or about January 15, 2007, Respondent stated in her letter to the
8 Bureau that Case No. 94F00609, more particularly set forth in paragraph 10, subparagraph e,
9 above, was dismissed because she successfully completed the terms of her probation. In fact, it
10 was not dismissed.

11 **PRAYER**

12 **WHEREFORE**, Complainant requests that a hearing be held on the matters
13 herein alleged, and that following the hearing, the Bureau of Vocational Nursing and Psychiatric
14 Technicians issue a decision:

15 1. Revoking or suspending Vocational Nurse License Number VN 148717,
16 issued to Micki Twiss, also known as Micki Carla Twiss;

17 2. Ordering Micki Twiss, also known as Micki Carla Twiss, to pay the
18 Bureau of Vocational Nursing and Psychiatric Technicians the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Code section 125.3; and,

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: August 22, 2008

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23 TERESA BELLO-JONES, J.D., M.S.N., R.N.
24 Executive Officer
25 Bureau of Vocational Nursing and Psychiatric Technicians
26 Department of Consumer Affairs
27 State of California
28 Complainant

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